

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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HELEN JANE ROMEO, *et al.*,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

2:08-cv-00808-GMN -VCF

O R D E R

Before the court are defendants Nevada Department of Corrections, *et al.*'s Status Report (#116) and plaintiffs Helen Jane Romeo, *et al.*'s Status Report (#117).

On September 6, 2011, the court entered an order staying the above captioned case for three months. (#114). The court held that since "highly relevant questions about the murder of Mr. Beltran, including the role, if any, of the defendants in the case, cannot be answered until the federal trial of Mr. Sellers has taken place," staying the proceedings in this action until the conclusion of the trial is warranted. *Id.* The court ordered the parties to file a status report regarding the progress of Mr. Sellers trial no later than December 5, 2011. *Id.*

On December 5, 2011, the defendants filed a status report (#116), asserting that on September 26, 2011, only three weeks into the stay, Mr. Sellers entered a guilty plea (#116 Exhibit A). Defendants contend that they do not know whether the plaintiffs have been able to locate or obtain the information they seek from the criminal matter, but assert that since the matter has been resolved, they believe a "decision can be made whether the [c]ourt is going to allow the parties to conduct discovery." (#116). On December 6, 2011, plaintiffs filed a status report, requesting that the stay remain in effect because that they are "in the process of attempting to obtain the FBI 302 report." *Id.* Plaintiffs do not demonstrate to the court what steps they have taken to obtain the desired information or documents, but

1 argue that the information is necessary to properly respond to the defendants' motion for summary
2 judgment. *Id.*

3 Accordingly, and for good cause shown,

4 IT IS ORDERED that a hearing is scheduled regarding the stay in the above captioned case for
5 Tuesday, December 13, 2011, at 10:00 a.m. in Courtroom 3C.

6 DATED this 7th day of December, 2011.

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9 **CAM FERENBACH**
10 **UNITED STATES MAGISTRATE JUDGE**